



POLICY SUBJECT		
Provincial Wildfire Origin and Cause Investigations and Wildfire Legislation Enforcement		
EFFECTIVE DATE	RESPONSIBLE BRANCH	NUMBER
April 21, 2023	BC Wildfire Service	9.6
APPROVED		
		

Scope

This policy pertains to the completion of Provincial Wildfire Origin and Cause Investigations by BC Wildfire Service staff, and the roles and responsibilities of the BC Wildfire Service and the Compliance and Enforcement Branch in the enforcement of the *Wildfire Act* and Wildfire Regulation.

Purpose

The identification of the origin and cause of wildfires in British Columbia is a priority for the BC Wildfire Service as a basic component of the prevention of human-caused fires. This policy provides guidance regarding the request for and the completion of a BC Wildfire Service Provincial Wildfire Origin and Cause Investigation and conclusion as to the fire origin and cause. It also articulates the roles and responsibilities of government staff in the enforcement of the *Wildfire Act* and Wildfire Regulation.

Definitions

In this policy, the following words have the following meanings, unless the context dictates otherwise:

- a) **“Act”** means the [Wildfire Act](#) (British Columbia) as it may be amended or replaced from time to time;
- b) **“CEB Investigation”** means a formal and systematic examination completed by Compliance and Enforcement Branch (CEB) Natural Resource Officers, with an intention to discover facts and evidence to determine compliance/non-compliance of the *Wildfire Act* and Regulation;
- c) **“Initial Wildfire Cause Assessment”** means an initial assessment of a wildfire completed by BC Wildfire Service Fire Centre or Fire Zone staff to determine whether there is a need for a Fire Centre Assessment or a Provincial Wildfire Origin and Cause Investigation;

- d) **“Ministry”** means the Ministry of Forests or other ministry as may be amended from time to time that is responsible for the suppression and control of wildfires in British Columbia;
- e) **“Provincial Wildfire Origin and Cause Investigation Report”** means a report completed by the Provincial Wildfire Origin and Cause Investigators, as documented within a Ministry FS1348 form, that is a conclusion regarding the origin and cause of a wildfire;
- f) **“Provincial Wildfire Origin and Cause Investigation”** means a scientific and systematic process undertaken by Provincial Wildfire Origin and Cause Investigators to identify the origin and cause of the wildfire.
- g) **“Regulation”** means the [Wildfire Regulation](#) (British Columbia) as it may be amended or replaced from time to time.

Policy

Assessments

The BC Wildfire Service is responsible for identifying the origin and cause of wildfires on provincial Crown land, and assesses all wildfires that it responds to under section 9 of the *Act* through the completion of an Initial Wildfire Cause Assessment to decide whether a Provincial Wildfire Origin and Cause Investigation is required. The Regional Wildfire Coordination Officer has the authority to decide the need for a Provincial Wildfire Origin and Cause Investigation.

Provincial Wildfire Origin and Cause Investigation

A Provincial Wildfire Origin and Cause Investigation is initiated to aid the government in the:

- Recovery of government fire control costs and damages to Crown resources and property as a result of wildfires or contraventions of the *Act* or Regulation;
- Defence of the Crown against claims for compensation;
- Analysis and identification of wildfire ignition trends and patterns; and
- Collection of evidentiary support for enforcement of the *Act*, Regulation and for criminal investigations.

Process

For fires where there is a suspected contravention of the *Act*, Regulation or other related legislation, the BC Wildfire Service and the Compliance and Enforcement Branch will follow the BCWS / CEB Joint Enforcement Process. Each agency will work in cooperation with the other to ensure that both agencies can meet their investigative requirements within the prescribed limitation periods.

The BC Wildfire Service will notify the Compliance and Enforcement Branch of all human-caused wildfires that the BC Wildfire Service responds to under section 9 of the *Act*. The Compliance and Enforcement Branch will, within its mandate, policies and procedures, conduct

CEB Investigations and enforce compliance with the *Act* and Regulation. The Compliance and Enforcement Branch may request a Provincial Wildfire Origin and Cause Investigation be completed to support enforcement of the *Act* or Regulation.

Calculation of Costs

Where an opportunity to be heard is offered under section 25 or section 26 of the *Act*, the BC Wildfire Service will calculate the amount of the government's fire control costs in respect of a particular fire.

When required for an opportunity to be heard offered under section 25 or section 26 of the *Act*, the Compliance and Enforcement Branch will provide to the BC Wildfire Service the calculation of the dollar value of the Crown timber, other forest land resources, grass land resources and other property of the government damaged or destroyed as a result of the fire or the contravention, as the case may be. When required, the Compliance and Enforcement Branch will also provide to the BC Wildfire Service the calculation of the costs that have been or will be incurred by the government in re-establishing a free growing stand and / or the costs that have been incurred by the government for silviculture treatments that were rendered ineffective as a result of the fire or the contravention, as the case may be.

References

- [Wildfire Act](#);
- [Wildfire Regulation](#);
- [Criminal Code](#), R.S.C., 1985, c. C-46
- [BCWS / CEB Joint Investigation Process](#);
- BCWS Standard Operating Procedure – Provincial Wildfire Origin and Cause Investigations